

REMARKS

Claims 1-25 are pending in this application. Claims 1 and 6-9 are independent claims. Claims 1-9 are amended. Claims 10-25 have been added. Support for these amendments can be found at least in Figure 3 and paragraphs [0032], [0033] and [0037] of the Applicant's Specification. Reconsideration and allowance of the present application are respectfully requested.

Claim Rejections

Rejections under 35 U.S.C. §101

Claims 1-5 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following:

In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

MPEP §2106.01(I) further states, regarding **functional** descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.”

Accordingly, Applicants respectfully submit that a “computer readable medium having a data structure for managing reproduction of data recorded on the computer readable

medium” as recited in independent claim 1 stores functional descriptive material, and is thus statutory. In particular claim 1 includes “a first area storing at least first and second clip stream files, the first clip stream file including video data representing at least one still image, the second clip stream file including at least audio data;” and “a second area storing a playlist, the playlist including at least one playitem and at least one sub-playitem, the playitem indicating at least a portion of the first clip stream file to reproduce, the sub-playitem indicating at least a portion of the second clip stream file to reproduce, the management area storing at least one clip information file, the clip information file being associated with at least the first clip stream file, the clip information file providing a map for the first clip stream file, the map mapping duration information, presentation time information, or both to address information for each still image in the first clip stream file.”

Therefore, Applicants respectfully request that the rejections of claims 1-5 under 35 U.S.C. §101 be withdrawn.

Rejections under 35 U.S.C. §102 - Okada

Claims 1-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 20040057700 A1 (“Okada”). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As a first matter, Okada does not teach each of the elements found in any of claims 1-9. Claim 1 recites “. . . a first area storing at least first and second clip stream files, and a playlist; the first clip stream file including video data representing at least one still image, the second clip stream file including at least audio data; and a second area storing a playlist, the

playlist including at least one playitem and at least one sub-playitem, the playitem indicating at least a portion of the first clip stream file to reproduce, the sub-playitem indicating at least a portion of the second clip stream file to reproduce . . .”

The material referenced by the Examiner represents a single AV file (*Okada*: Fig 42B; [0118] –[0121]). Accordingly, *Okada* does not teach a playlist that incorporates data from ***both a first and second*** clip stream file. Thus, *Okada* does not teach a playlist with both a playitem and a sub-playitem as is required by claim 1.

Furthermore, *Okada* does not teach “ . . . at least one clip information file, the clip information file being associated with at least the first clip stream file, the clip information file providing a map for the first clip stream file, the map mapping duration information, presentation time information, or both to address information for each still image in the first clip stream file” as amended claim 1 recites.

For at least the reasons stated above, *Okada* does not teach each of the elements in claim 1. Accordingly, *Okada* is insufficient to support a rejection of claim 1 under 35 U.S.C. §102(e). Additionally, claims 2-5 depend from claim 1. Accordingly, *Okada* is insufficient to support a rejection of claims 2-5 at least in view of their dependence from claim 1 and in view of their own merits. Furthermore, claims 6-9 share similar limitations with claim 1. Accordingly, *Okada* is insufficient to support a rejection of claims 6-9 at least in view of their similarity to claim 1 and in view of their own merits.

Therefore, Applicants respectfully request that this rejection of claims 1-9 under 35 U.S.C. §102 be withdrawn.

New Claims

New claims 10-25 have been added. We believe claims 10-25 to be allowable by virtue of their dependency from independent claims 6-9 which we believe are allowable for the reasons mentioned above.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

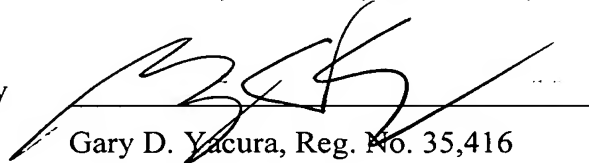
Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$460.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNES, DICKEY, & PIERCE, P.L.C.

By


Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JHA
GDY/JHA/mat